

FEDERAL COMMUNICATIONS COMMISSION
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APR 20 2009

Jerrold Miller, Esq.
Miller and Neely, P.C.
6900 Wisconsin Avenue, Suite 704
Bethesda, MD 20815

In re: John Edward Ostlund
NEW(AM), Easton, California
Facility ID: 160949
BNP-20081031ABS

Dear Mr. Miller:

This is in reference to the above-captioned application for a new AM radio station in Easton, California. The application is a studied pursuant to a Commission Public Notice listing mutually exclusive applications in AM Auction No 84.¹ On March 9, 2009, the staff sent a deficiency letter indicating that the proposed 5.0 mV/m nighttime groundwave contour would overlap the 5.0 mV/m nighttime groundwave contour of second-adjacent channel station KRDU(AM), Dinuba, California, in violation of Section 73.37 of the Commission's rule. On April 3, 2009, you filed a request for additional time to respond to the deficiency letter.

Accordingly, John Edward Ostlund is granted 180 days from the date of the original deficiency letter (March 9, 2009) in which to file an amendment bringing the application into substantial compliance with the Commission's rules. No further extension of time to file the requested amendment will be considered. Any curative amendment must be a minor change with respect to the technical submission filed during the AM Auction No. 84 window. Failure to file a curative amendment by **September 9, 2009**, will result in dismissal of the application pursuant to Section 73.3568 of the Commission's Rules.

Sincerely,



Son K. Nguyen
Supervisory Engineer
Audio Division
Media Bureau

cc: Jeremy D. Ruck

¹ See Public Notice entitled "AM Auction No. 84 Mutually Exclusive Applications Subject to Auction", Attachment 84-MX, page 15, DA 051604 (Media Bureau, released June 15, 2005). Per Commission's September 4, 2008 letter, John Edward Ostlund was directed to file his long-form application for a construction permit at Easton, California, within 60 days of the date of the letter.